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REMARKS

Reconsideration of the above-identified patent application, as amended, is respectfully requested.

Claims 10-12 have been indicated as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 10-12 have been amended accordingly. Claims 13 through 15 have been allowed.

The remaining claims have been rejected in view of the published patent application of Glance et al. The Glance publication describes a seat that is not constructed to form fit around the passenger. As described in applicant's specification, it is desirable to provide a seat that is constructed in such a way so as to form around each particular driver, particularly race drivers in high speed environments. By form fitting the seat around the driver, the relative motion between the seat and driver is minimized during a crash. Thus, by simply providing a seat having a pivotally mounted back mounted to it that has side edges that extend outwardly such as shown in the Glance publication does not in any way achieve the objectives of applicant's product. The remaining rejected independent claims are claims 9, 16 and 20. Claims 9 and 16 have been amended to more specifically provide the details concerning the seat being formed in such a manner to limit the motion of the passenger relative to the vehicle. More specifically, as described in the specification, an enclosure of flexible plastic is placed within the vehicle, the passenger is then placed atop and adjacent the enclosure while allowing the flexible plastic to form around the passenger thereby forming a plastic restraint. The passenger is then removed from the vehicle causing the plastic restraint to harden which is subsequently removed from the vehicle to produce a profile. A piece of


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solid plastic is then shaped in accordance with the profile of the plastic restraint forming a cavity tailored shaped to form fit around the specific passenger of the vehicle. This type seat is not suggested by the Glance publication. These limitations have been included in independent claims 9 and 16 and is believed the two claims are allowable along with their dependent claims. Claim 20 defines the seat as having a seat portion, back portion and side portions connected together to form a cavity tailored shape to form fit around a specific passenger of a vehicle thereby limiting motion of the passenger relative to the vehicle. The details concerning the formation are included in the claim in that the cavity is defined as formed from a scanable profile of the passenger obtained from an enclosure of flexible plastic that has been formed and hardened around the passenger positioned on the enclosure. As previously explained, this type product or seat is not within the realm or suggestion of the Glance publication and it is therefore believed that claim 20 and its dependent claims are allowable.

Applicant has added three additional claims. Claim 23 is an independent claim patterned after the allowed claim 13 with exception that the unitary piece that is cut to form a driver restraint is not limited to expanded polypropylene. Nevertheless, the claim includes structure that is patentably distinct from the cited references. Claim 24 is a dependent claim on claim 23 and is identical to the allowed claim 13 except the unitary piece is produced from expanded plastic instead of expanded polypropylene. Last, claim 25 depends on claims 23 and 24 and requires the back insert to be produced from polystyrene. It is believed claims 23-25 are allowable for the same reasons as the allowance of claim 13.

For the above reasons, it is believed the application is in condition for allowance and such action by the Examiner is respectfully requested.

Respectfully submitted,

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